

HOUSE BILL NO. 553

INTRODUCED BY D. BARRETT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE MARKING AND CONTROL OF TRANSPLANTED WILDLIFE; AND AMENDING SECTION 87-5-711, MCA."

WHEREAS, under present law, in order to protect native wildlife and plants and agricultural production, approval of the fish, wildlife, and parks commission is required before wildlife may be transplanted in Montana; and

WHEREAS, transplantation of wildlife must be based on a showing of significant public benefits and include a scientific investigation, a public hearing, and a management plan; and

WHEREAS, the department of fish, wildlife, and parks is statutorily charged with the responsibility to manage wildlife in Montana, including transplanted wildlife.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-711, MCA, is amended to read:

"87-5-711. Control of importation for introduction and transplantation or introduction of wildlife -- marking and control of transplanted wildlife. (1) (a) Except as otherwise provided, the importation for introduction or the transplantation or introduction of any wildlife is prohibited unless the commission determines, based upon scientific investigation and after public hearing, that a species of wildlife poses no threat of harm to native wildlife and plants or to agricultural production and that the transplantation or introduction of a species has significant public benefits.

(b) When the commission determines that wildlife is suitable for transplantation pursuant to subsection (1)(a), the wildlife must be marked in a permanent manner to facilitate identification. Transplanted wildlife that subsequently poses a threat of harm to native wildlife and plants or that harms agricultural production must, following identification and verification of the harm or threat of harm, be removed by the department by lethal means.

(2) With regard to the transplantation or introduction of a fish species not previously legally transplanted to a specific water body within the state or not previously legally introduced to the state, the requirement for

- 1 scientific investigation in subsection (1) may be satisfied only by completion of an environmental review
- 2 conforming to the provisions of Title 75, chapter 1, part 2."
- 3 - END -